



MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
Miami-Dade County, Florida
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

PSASC
Agenda Item No. 6(A)

TO: Honorable Chairwoman Sally A. Heyman
and Members, Public Safety and Animal Services
Committee

DATE: April 10, 2013

FROM: Christopher Agrippa
Division Chief, Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

A handwritten signature, likely of Christopher Agrippa, is written over the printed name and title in the "FROM" field.

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Public Safety and Animal Services Committee:

February 13, 2013

CA/msy
Attachment



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

DRAFT
Meeting Minutes
Public Safety & Animal Services Committee

Sally A. Heyman (4) Chair; Esteban L. Bovo, Jr. (13) Vice Chair; Commissioners
Bruno A. Barreiro (5), and Audrey M. Edmonson (3)

Wednesday, February 13, 2013

9:30 AM

COMMISSION CHAMBERS

Members Present: Bruno A. Barreiro, Esteban L. Bovo, Jr., Audrey M. Edmonson, Sally A. Heyman.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Mary Smith-York, Commission Reporter*
(305) 375-1598

1A INVOCATION AS PROVIDED IN RULE 5.05
(G)

Report: *The Public Safety and Animal Services Committee convened in a moment of silence during which Chairwoman Heyman asked that Miami-Dade Police Department Detective Jaime Pardinias, who was injured while transporting a prisoner, be remembered in prayer, followed by the Pledge of Allegiance.*

1B ROLL CALL

Report: *In addition to the members of the Committee, the following staff members were present: Deputy Mayor Genaro Iglesias; Assistant County Attorneys Gerald Sanchez and Alex Bokor; and Deputy Clerks Jovel Shaw and Mary Smith-York.*

Assistant County Attorney Gerald Sanchez advised committee members that there were no changes requested for today's (2/13) agenda.

It was moved by Commissioner Bovo that the Committee approve today's agenda as presented. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 3-0 (Commissioner Barreiro was absent).

1C PLEDGE OF ALLEGIANCE**1D SPECIAL PRESENTATIONS (SCHEDULED TO BEGIN AT 9:00 AM)****1E DISCUSSION ITEMS**

1E1

130180 Discussion Item**Sally A. Heyman****DISCUSSION OF IMPLEMENTATION OF COUNTY'S
RED LIGHT CAMERA PROGRAM*****Presented***

Report: *Chairwoman Heyman introduced the foregoing discussion item regarding the implementation of the County's Red Light Camera Program into the record. She noted this item was before the Committee in response to the County Commission's request for additional information related to the possible repeal of the associated ordinance. Chairwoman Heyman asked Deputy Director Juan J. Perez, Miami-Dade Police Department, to provide an update on Detective Jaime Pardinás' condition.*

Mr. Juan J. Perez, Deputy Director, Miami-Dade Police Department (MDPD), reported that Officer Pardinás remained in Parkland Hospital in Dallas, Texas. He stated Officer Pardinás was scheduled for exploratory surgery associated with the puncture wounds in his neck that penetrated his trachea, adding there was also a puncture wound to his liver that was reported would heal naturally. Mr. Perez said he would travel to Dallas tomorrow to visit Officer Pardinás and join the investigation to identify the location of the suspect.

MDPD Deputy Director Perez reported that his department was able to identify the top ten intersections with the highest number of vehicle crashes in Unincorporated Miami-Dade County. He advised that if Red light cameras were installed, it would be possible to perform assessments and determine the cameras' impact. Mr. Perez noted the department could also track the amount of money spent in court by the officers before and after the implementation of the cameras.

Chairwoman Heyman noted, for the record, that the Miami Project to Cure Paralysis submitted a letter through the County Clerk's Office in reference to a funding source from revenue generated by Red Light Camera tickets payments.

Mr. Charles Anderson, Commission Auditor, noted his report, entitled "Red Light Camera Ordinance (updated)", had been distributed to Committee members and was in response to Commissioner Heyman's request for information pertaining to

the municipalities that installed Red light cameras and the rate of accidents pre-camera and post-camera; ancillary benefits from Red light cameras; level of impact on police manpower and police court time; and funds generated for Miami-Dade County from Red light cameras for cities of jurisdictions to benefit the Miami Project to Cure Paralysis. He noted the department conducted surveys with 22 jurisdictions and noted the results were reflected in the report distributed today (2/13). Mr. Anderson noted the survey results were reflected in Attachment 1 and stated the majority of the cities surveyed reported a decrease in traffic accidents post camera installation. Pertaining to ancillary benefits relating to "Don't Block the Box," Mr. Anderson stated 857 citations were issued; however, many of those were dismissed due to various alternative programs. He noted the total revenue collected into various County funds was \$18,934; the total amount of uncollected fines was \$21,800; and the amount generated from Red light cameras for cities of jurisdiction for the Miami Project to Cure Paralysis, during FY 2011-12, was \$139,000 (Attachment 4).

Mr. Anderson referenced a report issued by the Florida Department of Highway Safety and Motor Vehicles (FDHSMV) in December 28, 2012 that was also distributed at the dais today (2/1). He read the following language, from page 3, into the record: "...the common outcome since the installation of red light cameras was a decrease in traffic crashes. Forty-three percent noticed a reduction in side-impact crashes, 41% of the agencies surveyed experienced a reduction in rear-end crashes, while 56% of the agencies experienced a total reduction in crashes at red light camera intersections..." Mr. Anderson stated that the information collected by the department was favorable overall and that most of the jurisdictions reporting noticed a decrease in crashes at intersections; therefore, the cameras program appeared to be successful.

Chairwoman Heyman noted that some municipalities reported using red light cameras to enhance efforts to build crime scenes; document criminal activity; identify suspects; and eliminate the need for officers to appear in court. She recalled that the original red light camera ordinance addressed "No Right Turn on Red" ticketing; however, that issue was omitted from the ordinance since it was an infraction rather than a safety issue; Chairwoman Heyman noted this

provision was recently reinforced in separate legislation providing that if a red light camera ordinance existed, "No Right Turn on Red" infractions should be cited as a violation through the use of red light cameras. She stressed that this issue was not included in the ordinance.

Commissioner Bovo asked the Commission Auditor to provide committee members with a breakdown of the total amount of funds collected (\$19,774,851 in FY 2010-11 and \$51,065,842 in FY 2011-12) by the State of Florida Department of Revenue (DOR) from fines levied on traffic signal violators, and to include the name and the amount distributed for each agency. He noted he did not expect the report to indicate that traffic accidents had increased, but that they had decreased, and that this should be a safety issue.

Chairwoman Heyman referenced the language on page one, under Background and Relevant Information, paragraph 2, of Mr. Anderson's report, and stated Florida Statute 316.0083 provided for a \$158 fine levied under various sections of FS 316. She read into the record language stating: "...\$75 is retained by the local government and \$83 is deposited with the Florida Department of Revenue (DOR). The DOR subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Administration Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund..." Chairwoman pointed out that the bulk of the funds started with the local jurisdiction that issued the violation.

Commissioner Bovo clarified that he was requesting the actual amount collected by each agency and that, considering this in terms of health and safety, he supported the bulk of the monies going to the Brain and Spinal Cord Injury Trust Fund. He acknowledged that the red light cameras were not supported by many residents; however, from a fiscal standpoint, he expressed support for all the revenue generated to be used towards health and safety.

In response to Chairwoman Heyman's request for the current status of the Red Light Camera Ordinance, Assistant County Attorney Gerald Sanchez stated the Ordinance 11-01 provided that the Mayor or Mayor's designee was authorized to implement the provisions and requirements of the ordinance relating to red light cameras consistent with the specifications established by the Florida

Department of Transportation. He noted, however, that the ordinance did not provide for a timeframe for the implementation of the program.

Chairwoman Heyman asked the Miami-Dade Police Department Director to prepare a report identifying intersections with the worst traffic situations and the highest number of fatalities, injuries, moving violations, calls for service, and citations, and to include these items as a component in the procurement process for use by the Department of Procurement. She expressed support for the red light camera program which was passed under a previous regime and, pursuant to feedback received, was being implemented statewide. Chairwoman Heyman stated the results were positive with respect to law enforcement and reducing altercations, incidents, and infractions, and the program provided ancillary benefits associated with law enforcement and moving violations. She noted the ratio of the money distribution was governed strictly by the State legislature and requested the Mayor to prepare a document, inclusive of law enforcement's input, on what was needed to implement this program in the Unincorporated Municipal Service Areas (UMSA)

1F PUBLIC HEARINGS

2 COUNTY COMMISSION

2A

130103 Resolution Sally A. Heyman

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S
DESIGNEE TO IMPLEMENT A POLICY APPLICABLE TO
MIAMI-DADE POLICE DEPARTMENT ("MDPD")
PERSONNEL HIRED AFTER THE EFFECTIVE DATE OF
THIS RESOLUTION THAT ALLOWS THE USE OF A
TAKE HOME VEHICLE ONLY IF THE NEWLY HIRED
MDPD PERSONNEL RESIDE IN MIAMI-DADE COUNTY

Amended

Report: (SEE AGENDA ITEM 2A AMENDED;
LEGISLATIVE FILE NO. 130372.)

2A Amended

130372 Resolution

Sally A. Heyman

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO IMPLEMENT A POLICY APPLICABLE TO MIAMI-DADE POLICE DEPARTMENT ("MDPD") PERSONNEL HIRED AFTER THE EFFECTIVE DATE OF THIS RESOLUTION THAT ALLOWS THE USE OF A TAKE HOME VEHICLE ONLY IF THE NEWLY HIRED MDPD PERSONNEL RESIDE IN MIAMI-DADE COUNTY [SEE ORIGINAL ITEM UNDER FILE NO. 130103]

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Bovo, Jr.

Seconder: Heyman

Vote: 3-1

No: Edmonson

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Assistant County Attorney Sanchez requested the foregoing proposed resolution be amended on handwritten page 3, third paragraph, line 2 following the word "FLORIDA," to insert the language: "...notwithstanding Resolution R-1392-06...;" and to add to the end of the last line, "...or if the Police Director determines that the specialized nature of service or nature of vehicle necessitates an expeditious response requirement and exception to this policy..."

Chairwoman Heyman provided an historical overview of the foregoing proposed resolution and noted her concerns regarding former Police Department Director James Loftus' administrative decision to discontinue take-home vehicles for areas outside the boundaries of Miami-Dade County. She stated that a previously adopted ordinance provided that Broward County was exempted from this policy. Chairwoman Heyman noted she accepted the value of assigned cars which expedited the officers' ability to respond more quickly; however, she expressed concern with take-home cars that leave this County and enter a different radio frequency and receive no dispatched calls for service. She indicated other counties had changed their policies to prohibit take-home cars if they needed to leave that county. Chairwoman Heyman explained that this new policy would be applicable to future classes and read into the record the intent of the foregoing resolution as reflected in the first "WHEREAS" statement on handwritten page 3 as follows: "...provides security presence in neighborhoods throughout Miami-Dade County as well as fully equipped Miami-Dade Police Department vehicle immediately available to be deployed for police work within Miami-Dade County..."

In response to Commissioner Edmonson's inquiry as to the length of time vehicles were assigned to officers, Mr. Juan Perez, Deputy Director Miami-Dade Police Department, stated the term was usually between three to five years, based upon the mileage of the vehicle. He confirmed Commissioner Edmonson's comment that police officers assigned take-home cars paid \$50 per pay period towards fuel and maintenance of the vehicles and that over the period that the vehicles were assigned, a considerable amount would have been collected for maintenance. Mr. Perez noted the miles vehicles traveled was contingent upon where the officer resided and explained that the \$50 was meant to cover the costs for the vehicle to travel to and from home and work and during off duty hours.

Commissioner Edmonson expressed concern that this policy would affect Police Department personnel hired after the adoption of this resolution and not the others. She noted it would mean some officers would be treated differently and stated this policy should apply to all officers or none.

Chairwoman Heyman noted she believed this policy was currently in effect with respect to residency and noted personnel residing outside of Miami-Dade and Broward Counties were required to return their assigned vehicles this past year.

Commissioner Edmonson explained that she was concerned with those officers who resided within Miami-Dade and Broward Counties and that this would affect the morale of the newly hired police officers because they would receive fewer benefits. She stated she could not support this item and indicated she believed that this change in policy should affect all personnel.

In response to Commissioner Barreiro's inquiry as to the maximum mileage a police vehicle must reach before it was retired, Mr. Perez stated this was determined contingent upon the department's ability to purchase new vehicles. He noted that 30% of the vehicles in the current fleet were over 100,000 miles and that by year-end, and additional 732 vehicles would be in excess of 100,000 due to the inability to replace those vehicles. Regarding Commissioner Barreiro's question of whether MDPD Officers could address violations outside of their jurisdiction, Mr. Perez stated MDPD officers could enforce the law countywide; however, they had no jurisdiction

outside of the county. Pertaining to Chairwoman Heyman's earlier comment that the cars that went outside the County had already been returned, Mr. Perez clarified that on December 13, 2011, former Director Loftus issued a memorandum recalling the vehicles that were outside of Miami-Dade and Broward Counties; however, that memorandum was placed on hold and the vehicles were never surrendered. Continuing, Mr. Perez stated the hold on Mr. Loftus' memorandum resulted from a grievance filed by the union and to date, the small number of vehicles traveling outside Miami-Dade and Broward County's boundaries were still take-home vehicles.

Commissioner Barreiro expressed concern with police officers not being authorized to enforce the law in areas other than the local jurisdictions and noted this policy needed to be addressed. Regarding the issue of take-home vehicles, noted he strongly supported zero take-home cars. Commissioner Barreiro stated, however, that he see authorizing take home cars within a reasonable radius of travel from the County, if the officer had jurisdiction to perform law enforcement in the subject area.

Mr. Perez further clarified that Miami-Dade County officers, who had take-home vehicles, were authorized to enforce the law anywhere in the County; however, when the vehicle leaves the County, the officers were only authorized to drive the vehicles back and forth from home to work. He advised that there were 2,606 vehicles in the department's entire fleet and of those, 461 were outside of Miami-Dade County: 446 were in Broward and 15 in other areas. Mr. Perez noted approximately 17 percent of the department's fleet left the County and advised that the revenue generated from the Take-Home Vehicle Program was \$3.3 million.

In response to Commissioner Bovo's inquiry as to the vehicle uses permitted while off duty, Mr. Perez stated only sworn officers were authorized to use or occupy the vehicles and while off duty, they could use the vehicles to carry out mundane activities, such as grocery shopping, for increased visibility in the community. He affirmed that this policy was included in the department's collective bargaining agreement.

Referencing Commissioner Edmonson's concern with this proposed policy affecting only newly hired employees, Commissioner Bovo recalled that

while serving on the Compensation and Benefits Review Ad Hoc Committee, members were reviewing alternative approaches to future County employee benefits and noted it was realized that, at some point, the County must make some decisions that would only affect new hires. Commissioner Bovo noted he had no problem with the issue currently and spoke in support of Commissioner Barreiro's suggestion that officers be given authority to enforce the law within a particular radius.

Deputy Mayor Genaro Iglesias clarified that the intent of this legislation would not prohibit the assignment of a vehicle to an officer, but would prohibit the take home portion if the officer resided outside of Miami-Dade County.

Chairwoman Heyman emphasized that this policy would be applicable to only future hires.

Commissioner Barreiro asked the MDPD Police Director to take a look at the number of cars that were taken far outside of the County's jurisdiction.

Hearing no further questions or comments, the Committee proceeded to vote.

The foregoing proposed resolution was amended on handwritten page 3, third paragraph, line 2 following the word "FLORIDA," to insert the language: "...notwithstanding Resolution R-1392-06..." and to add to the last line "...or if the Police Director determines that the specialized nature of service or nature of vehicle necessitates an expeditious response requirement and exception to this policy...".

3 DEPARTMENTS

3A

130239 Resolution**Sally A. Heyman**

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS AND MEMORANDA OF UNDERSTANDING BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND MIAMI-DADE COUNTY RELATING TO REIMBURSEMENT OF MIAMI-DADE COUNTY'S OVERTIME EXPENSES INCURRED DURING JOINT TASKFORCE WORK WITH THE FEDERAL BUREAU OF INVESTIGATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR DESIGNEE'S ACTION TO EXECUTE AMENDMENTS, MODIFICATIONS, RENEWALS, AND EXTENSIONS, TO EXERCISE THE CANCELLATION PROVISIONS AND TERMINATION CLAUSES CONTAINED THEREIN (Miami-Dade Police Department)

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Seconder: Bovo, Jr.

Vote: 4-0

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote

4 COUNTY MAYOR**5 COUNTY ATTORNEY****6 CLERK OF THE BOARD**

6A

130187 Report

APPROVAL OF CLERK'S MEETING MINUTES FOR THE JANUARY 15, 2013 PUBLIC SAFETY AND HEALTH CARE ADMINISTRATION COMMITTEE MEETING (Clerk of the Board)

Approved

Mover: Edmonson

Seconder: Bovo, Jr.

Vote: 4-0

7 REPORTS

130415 Report
NON-AGENDA ITEMS REPORT

Report: *Commissioner Heyman asked Deputy Mayor Alina Hudak to place an item on the next agenda in the form of a status report for the Pet Trust.*

8 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting adjourned at 10:22 a.m.*